

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

EDWARD BUTOWSKY, in his personal and professional capacities,

Plaintiff,

v.

MICHAEL GOTTLIEB, *et al.*,

Defendants.

Case No. 4:19-cv-00180-ALM-KPJ

**DECLARATION OF PAUL J. SKIERMONT IN SUPPORT OF MOTION FOR
RULE 11 SANCTIONS AND SUPPORTING MEMORANDUM BY DEFENDANTS
GOTTLIEB, GOVERNNSKI AND BOIES SCHILLER FLEXNER LLP**

I, Paul J. Skiermont, hereby declare as follows:

1. I am an attorney with Skiermont Derby LLP, and counsel of record for Defendants Michael Gottlieb, Meryl Governski, and Boies Schiller Flexner LLP in the above-captioned action. This Declaration is made in support of those defendants' Rule 11 Motion in this action.

2. I am over the age of 21 years and am competent to make this declaration. All of the statements set forth herein are true and correct and are based on my personal knowledge.

3. Attached as **Exhibit 1** to this Declaration is a true and correct copy of a news article, Jeff Benjamin, *Exonerated in Defamation Suits, Ed Butowsky Is Out For Blood*, Investment News (Aug. 6, 2018), <https://www.investmentnews.com/article/20180806/FREE/180809955/exonerated-in-defamation-suits-ed-butowsky-is-out-for-blood> (last accessed Sept. 10, 2019).

4. Attached as **Exhibit 2** to this Declaration is a true and correct copy of an Order, issued in *Scottie Nell Hughes v. Twenty-First Century Fox, Inc., et al.*, 17-cv-07093, Dkt. 87 (S.D.N.Y. June 25, 2018).

5. Attached as **Exhibit 3** to this Declaration is a true and correct redacted copy of a letter from Michael Gottlieb to Ty Clevenger dated June 2, 2018, with the subject *Aaron Rich v. Butowsky, et al.* (United States District Court for the District of Columbia).

6. Attached as **Exhibit 4** to this Declaration is a true and correct redacted copy of a letter from Michael Brille, General Counsel of Boies Schiller Flexner LLP, to Ty Clevenger with the subject "Demand for Retraction."

7. Attached as **Exhibit 5** to this Declaration is a true and correct copy of an article, Alicia Powe, '*That's patently false!*' Seth Rich family spokesman denies DNC is paying him, WND.com (May 23, 2017), available at <https://www wnd com/2017/05/thats-patently-false-seth-rich-family-spokesman-denies-dnc-is-paying-him/> (last accessed Sept. 10, 2019).

8. Attached as **Exhibit 6** to this Declaration is a true and correct copy of a transcript from CNN TONIGHT, *Trump Helps Son Don Junior; White House Capitalized Dead Man's Story*, (Aug. 1, 2017), available at <http://transcripts.cnn.com/TRANSCRIPTS/1708/01/cnnt.01.html> (last accessed Sept. 10, 2019).

9. Attached as **Exhibit 7** to this Declaration is a true and correct copy of an article, Cassandra Fairbanks, *Exclusive=> Insider Ed Butowsky: Seth Rich's Father Confirmed His Son Was the WikiLeaks Leaker*, Gateway Pundit (Mar. 1, 2018). This article no longer appears available on the Gateway Pundit website, as it was replaced by the updated version in Exhibit 8, below. However, the article appears replicated at the following website: <https://rightedition.com/2018/03/02/exclusive-insider-ed-butowsky-seth-richs-father-confirmed-son-wikileaks-leaker/> (last accessed Sept. 10, 2019).

10. Attached as **Exhibit 8** to this Declaration is a true and correct copy of the article in Exhibit 7 above, revised and retitled, Cassandra Fairbanks, *Exclusive=> Insider Ed Butowsky: Talks More About the Seth Rich Case*, Gateway Pundit (Mar. 1, 2018) available at <https://www.thegatewaypundit.com/2018/03/insider-ed-butowsky-seth-richs-father-told-knew-sons/> (last accessed Sept. 10, 2019).

11. Attached as **Exhibit 9** to this Declaration is a true and correct copy of email correspondence from Meryl Governski to Mr. Clevenger and others, dated June 22, 2018, with subject “RE: 1:18-cv-00681 Aaron Rich v. Edward Butwosky et al., Notice of Intent to serve a third-party subpoena.”

12. Attached as **Exhibit 10** to this Declaration is a true and correct redacted copy of an email from Ms. Governski to Mr. Butowsky’s Counsel in the D.D.C. Lawsuit and others dated July 25, 2018, with the subject “IACAP Inquiry.”

13. Attached as **Exhibit 11** to this Declaration is a true and correct redacted copy of an email from Mr. Gottlieb to Mr. Butowsky and others dated April 19, 2019, with the subject “FW: Correspondence re J. Assange.”

14. Attached as **Exhibit 12** to this Declaration is a true and correct redacted copy of email correspondence between Mr. Gottlieb to Barry Pollack, and attorney for Julian Assange, and others dated August 14, 2019, May 21, 2019, and April 19-22, 2019, with the subject “FW: Correspondence re J. Assange.”

15. Attached as **Exhibit 13** to this Declaration is a true and correct copy of a blog post by Ty Clevenger, *Why won't Seth Rich's brother authorize WikiLeaks to tell what it knows*, LawFlog (June 11, 2018) *available at* <http://lawflog.com/?p=1937> (last accessed Sept. 10, 2019).

16. Attached as **Exhibit 14** to this Declaration is a true and correct copy of an article, Alicia Powe, *Attorney Warns: Aaron Rich Refuses to Authorize WikiLeaks To Reveal Info on Seth Rich*, Gateway Pundit (June 14, 2018) *available at* <https://www.thegatewaypundit.com/?s=attorney+warns%3A+aaron+rich+refuses+to+authorize+wikileaks> (last accessed Sept. 10, 2019)/

17. Attached as **Exhibit 15** to this Declaration is a true and correct copy of a blog post by Ty Clevenger, *Correction: Ellen Ratner only relayed information about Seth Rich, according to Butowsky*, LawFlog (July 29, 2019) *available at* <http://lawflog.com/?p=2248> (last accessed Sept. 10, 2019).

18. Attached as **Exhibit 16** to this Declaration is a true and correct copy of a Tweet by Ty Clevenger, “It sure won't. Meanwhile, we're still waiting on Seth's brother to authorize #JulianAssange to reveal what he knows. And for his brother's attorneys to serve subpoenas on Assage (sic) and @wikileaks like they promised MORE THAN A YEAR AGO. What's to hide?”

(August 13, 2019) *available at* https://twitter.com/Ty_Clevenger/status/1161445521627779072 (last accessed Sept. 10, 2019).

19. Attached as **Exhibit 17** to this Declaration is a true and correct copy of Aaron Rich's Opposition to Ty Clevenger's Motion for Permission to Appear Pro Hac Vice, filed June 13, 2018 in *Rich v. Butowsky et al.*, Case No. 1:18-cv-00681 (D.D.C.), Dkt. 24.

20. Attached as **Exhibit 18** to this Declaration is a true and correct copy of Aaron Rich's Supplement to Plaintiff's Opposition to Ty Clevenger's Motion for Permission to Appear Pro Hac Vice, filed June 19, 2018 in *Rich v. Butowsky et al.*, Case No. 1:18-cv-00681 (D.D.C.), Dkt. 27.

21. Attached as **Exhibit 19** to this Declaration is a true and correct copy of an editorial, Mary Rich and Joel Rich, *We're Seth Rich's Parents. Stop politicizing our son's murder.*, Washington Post (May 23, 2017) *available at* https://www.washingtonpost.com/opinions/were-seth-richs-parents-stop-politicizing-our-sons-murder/2017/05/23/164cf4dc-3fee-11e7-9869-bac8b446820a_story.html?noredirect=on (last accessed Sept. 10, 2019).

22. Attached as **Exhibit 20** to this Declaration is a true and correct redacted copy of email correspondence between Ed Butowsky and Michael Gottlieb, among others, dated December 26, 2018 and December 31, 2018, and attaching a true and correct copy of a letter from Mr. Gottlieb to Mr. Butowsky dated December 31, 2018.

23. Attached as **Exhibit 21** to this Declaration is a true and correct copy of an article, Jerome Corsi, *Retraction of Dr. Jerome Corsi Regarding The Murder of Seth Rich*, INFOWARS, Mar. 4, 2019, <https://www.infowars.com/retraction-of-dr-jerome-corsi-regarding-the-murder-of-seth-rich/> (last accessed Sept. 10, 2019).

24. Attached as **Exhibit 22** to this Declaration is a true and correct redacted copy of a letter from Paul J. Skiermont to Ty Clevenger, dated July 31, with the subject “*Butowsky v. Gottlieb, et al.*, No. 4:19-cv-00180-ALM-kpj, in the U.S. District Court for the Eastern District of Texas.”

25. Attached as **Exhibit 23** to this Declaration is a true and correct copy of a blog post, Ty Clevenger, *Lawsuit outs Ellen Ratner as source for Seth Rich Information*, LawFlog (July 15, 2019) *available at* <http://lawflog.com/?p=2210> (last accessed Sept. 10, 2019).

26. Attached as **Exhibit 24** to this Declaration is a true and correct copy of an article, Ty Clevenger, *BOMBSHELL: Lawsuit Outs Fox News Ellen Ratner as Source for Seth Rich Intel* (July 15, 2019) *available at* <https://thedcpatriot.com/bombshell-lawsuit-outs-fox-news-ellen-ratner-as-source-for-seth-rich-intel/> (last accessed Sept. 10, 2019).

27. Attached as **Exhibit 25** to this Declaration is a true and correct copy of a Tweet, Ty Clevenger, “Lawsuit outs Ellen Ratner as source for Seth Rich information” and linking to Exhibit 25, *available at* https://twitter.com/Ty_Clevenger/status/1150792921622417408 (last accessed Sept. 10, 2019).

28. Attached as **Exhibit 26** to this Declaration is a true and correct copy of a Tweet, Ed Butwosky, “BREAKING: Lawsuit Outs Reporter Ellen Ratner as Source for Seth Rich Information” (July 15, 2019), *available at* <https://twitter.com/EdButowsky/status/1150875291906117632>, and linking to a true and correct copy of an article, Jim Hoft, *BREAKING: Lawsuit Outs Reporter Ellen Ratner as Source for Seth Rich Information*, Gateway Pundit (July 15, 2019), <https://www.thegatewaypundit.com/2019/07/breaking-lawsuit-outs-reporter-ellen-ratner-as-source-for-seth-rich-information/> *available at*

<https://www.thegatewaypundit.com/2019/07/breaking-lawsuit-outs-reporter-ellen-ratner-as-source-for-seth-rich-information/> (last accessed Sept. 10, 2019).

29. Attached as **Exhibit 27** to this Declaration is a true and correct copy of Memorandum Decision Re Imposition of Sanctions Against Wade A. Robertson, Ty Clevenger, and Ray Conolly, May 3, 2012, in the matter styled In re W.A.R. LLP, Case No. 11-00044 (Bankr. D.D.C.).

30. Attached as **Exhibit 28** to this Declaration is a true and correct copy of Notice of Disciplinary Charges, June 9, 2017, In the Matter of: Ty Odell Clevenger, Case Nos. 16-J-17320; 17-J-00289 (California State Bar Court).

31. Attached as **Exhibit 29** to this Declaration is a true and correct copy of the Notice of Rule 11 Violations that the BSF Defendants served on Plaintiff and Plaintiff's Counsel, on September 10, 2019.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 4th day of October 2019, in Dallas, Texas.

/s/ Paul J. Skiermont
Paul J. Skiermont
*Counsel for Michael Gottlieb, Meryl
Governski, and Boies Schiller Flexner LLP*